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Fax (703) 872-9306 Pages 6

Date April 5, 2005

From Susan M. Pellegrino

Fax (203) 812-6459 Tel. (203) 812-6450

Re U.S. Patent Application Serial No.: 10/022,618

Bayer Pharmaceuticals  
Corporation

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West Haven, CT 06516

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For U.S. Patent Application Serial No. 10/022,618

- 1) Reply to Office Action mailed on November 8, 2005
- 2) Fee Transmittal [IN DUPLICATE]
- 3) Certificate of Transmission under 37 CFR 1.8
- 4) Fax Cover Sheet

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PTO/SB/97 (05-03)

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Susan M. Pellegrino  
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Susan M. Pellegrino, Reg. No. 48,972

Typed or printed name of person signing Certificate

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For U.S. Patent Application Serial No. 10/022,618

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- 4) Fax Cover Sheet

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-04v2)

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**FEE TRANSMITTAL**  
**for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)**1590.00****Complete if Known**

Application Number	10/022,618
Filing Date	December 17, 2001
First Named Inventor	Guido Henning
Examiner Name	Susan Ungar
Art Unit	1642
Attorney Docket No.	LeA 35 010

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
Deposit Account Name

13-3372

Jeffrey M. Greenman

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>				<b>(\$)</b>	

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent		-20** =		X			
Multiple Dependent		-3** =		X			

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>				<b>(\$)</b>	

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	1590.00
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	780	2810	395	For each additional invention to be examined (37 CFR 1.128(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)**1590.00****SUBMITTED BY**

Name (Print/Type)	Susan M. Pellegrino	Registration No. (Attorney/Agent)	48,972	Telephone	(203) 812-6450
Signature	<i>Susan M. Pellegrino</i>	Date	April 5, 2005		

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**DUPLICATE**

PTO/SB/17 (10-04v2)

Approved for use through 07/31/2008. OMB 0851-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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Examiner Name	Susan Ungar
Art Unit	1642
Attorney Docket No.	LeA 35 010

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**13-3372**Deposit Account Name  
**Jeffrey M. Greenman**

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1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

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**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

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Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**1590.00****SUBMITTED BY**

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SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APR 05 2005

Attorney Docket No. LeA 35 010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of Henning, et al.

Serial No.: 10/022,618

Group Art Unit: 1642

Filed: December 17, 2001

Examiner: Susan Ungar

For: Method for Specifically Detecting Tumor Cells and Their Precursors in Uterine Cervical Smears by Simultaneously Measuring at Least Two Different Molecular Markers

**CERTIFICATION OF MAILING UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this correspondence and any papers referred to as attached are being facsimile transmitted to the U.S. Patent and Trademark Office at (703) 872-9306.

Date: April 5, 2005

  
Susan M. Pellegrino**RESPONSE TO RESTRICTION REQUIREMENT**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully petition the Commissioner for Patents under the provisions of 37 C.F.R. 1.136(a) to extend the time for filing a response to the Office Action mailed on November 8, 2004 for four (4) month(s) from December 8, 2004 to April 8, 2005. Please charge the fee for the three-month extension of time to Deposit Account No. 13-3372.


In response to the restriction requirement mailed on November 8, 2004, Applicants elect the claims of restriction Group A, claims 1-3 and 9-11, directed to a method for detecting tumor cells in uterine cervical smears by simultaneously detecting at least two polypeptide molecular markers in a cell, wherein the markers are selected from at least one of tumor suppressor genes and apoptosis genes, for further prosecution in this application. In addition, the Examiner stated that "...if Applicant elects one of the inventions A1-A74, election is required of one of inventions A1-A72 and one of inventions B1-B542,250" (page 4 of the Office Action). Applicants elect restriction Group B, claims 1-3 and 9-11, directed to a method for detecting tumor cells in uterine cervical smears by simultaneously detecting at least two molecular markers in a cell, wherein the markers are selected from at least one of her2/neu and p53 for further prosecution in this application.

Attorney Docket No. LeA 35 010

If there are any fees due in connection with the filing of the present response, please charge the fees to undersigned's Deposit Account No. 13-3372. If a fee is required for an extension of time not accounted for, such an extension is requested and the fee should also be charged to undersigned's deposit account.

Respectfully submitted,

Date: April 5, 2005

  
Susan M. Pellegrino  
Attorney for Applicants  
Reg. No. 48,972

Bayer Pharmaceuticals Corporation  
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